

13-015



Santa Rosa County Sheriff's Office

Sheriff Wendell Hall

CITIZEN COMPLAINT REPORT

Nature of Complaint: unprofessional Date of Incident: March 25, 2013

Location of Incident: Milton FL 87

Member(s) Involved: Joshua White

Complainant: Anthony Freeman Date of Birth: 1/24/81

Address: 4541 Windswept Ln Telephone #: 850 736-2892
Milton FL 32583 850 983-8750

Summary: _____

I hereby swear and affirm that the above and all attached statements and/or documentation are true and correct to the best of my knowledge. I have fully read and understand the attached Florida State Statute § 112.533 regarding the Receipt and Processing of Complaints. Specifically, I acknowledge that until this investigation is completed, I am not to discuss my complaint with anyone other than the Deputy assigned to investigate my complaint or my legal representative.

Complainant's Signature: [Signature]

Sworn to and subscribed before me this
26 day of March 2013.

Person Authorized to Administer Oath

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I Anthony Freeman am filing an official complaint against Deputy Joshua White (car number 229 badge number 159). On March 25, 2013 around 8:10pm I was traveling down HWY 87 South when my girlfriend called to let me know that there was an accident at the intersection of HWY 87 and Nichols Lake Rd. and I would have to go around the patrol car that was parked in the intersection but I would be able to turn down our road (Nichols Lake Rd.) I had already gotten in the turning lane so I merged back over and went around the patrol car. I turned onto Nichols Lake Rd. and the officer followed behind me. I drove almost to Southern Raceway before the officer turned his lights on. I pulled over just passed the race track and the officer told me to pull down in a ditch. I informed him that my car was too low to drive down there. He informed me that he pulled me over for driving 57-MPH through the accident scene. I told him that I am not an idiot I would not have driven through an accident going that fast and my girlfriend had just called to inform me of the accident not to mention there was no way that I could have gone around his patrol car and made that turn at that speed. He said he didn't care what she called and told me. He took my license and registration and when he returned he threw the ticket and another paper at me and said here are your fucking options and went to walk away still holding my license. I told him to give me my license. He turned around and threw it at me hitting me in the face and said "Fuck your Mama." (An act that would have gotten me arrested for battery.) At this time I got out of my vehicle but he proceeded to his car. I got back in my vehicle and headed to the police station to file a complaint. As I was driving back down HWY 87 the officer was in the right lane and I was in the left lane next to him. As we approached the turning lane to get onto I10 West he cut in front of me causing me to have to hit my breaks and swerve around him. He got on the interstate and I proceeded to the police station. I told the officers at the station what happened and they told me to come back in the morning and file a complaint. I also told them that I want the dash camera from the patrol car pulled so that I can prove the officers misconduct. I was told that IF he had his camera on I could request it.

***Battery** is a criminal offence involving unlawful physical contact.

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112.533 Receipt and processing of complaints.--

- (1) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person.
- (2) (a) A complaint filed against a law enforcement deputy or detention deputy with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of such complaint shall be confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the deputy who is the subject of the complaint, either personally or by mail, that the agency has either:
 1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
 2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the deputy who is the subject of the complaint may review the complaint and all statements regardless of form made by the complainant and witnesses immediately prior to the beginning of the investigative interview. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the deputy under investigation, only the names and written statements of the complainant and no incarcerated witnesses may be reviewed by the deputy under investigation immediately prior to the beginning of the investigative interview.

- (a) This subsection does not apply to any public record which is exempt from public disclosure pursuant to F.S.S. 119.07(3). For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.
 - (a) Notwithstanding other provisions of this section, the complaint and information shall be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.
- (1) A law enforcement deputy or detention deputy has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement deputy or detention deputy may attach to the file a concise statement in response to any items included in the file identified by the deputy as derogatory, and copies of such items must be made available to the deputy.

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- (2) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the deputy under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in F.S.S. 775.082 or F.S.S. 775.083. However, this subsection does not limit a law enforcement or detention deputy's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

History.— F.S.S. 3, ch. 74-274; F.S.S. 3, ch. 82-156; F.S.S. 1, ch. 82-405; F.S.S. 1, ch. 83-136; F.S.S. 1, ch. 87-59; F.S.S. 2, ch. 89-223; F.S.S. 1, ch. 90-32; F.S.S. 31, ch. 90-360; F.S.S. 3, ch. 93-19; F.S.S. 722, ch. 95-147; F.S.S. 39, ch. 96-406; F.S.S. 2, ch. 98-249; F.S.S. 2, ch. 2000-184.